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|  |   |          |
|--|---|----------|
| In re Application of TAM               | : |          |
| U.S. Application No.: 10/574,758       | : |          |
| PCT Application No.: PCT/US2004/033113 | : |          |
| Int. Filing Date: 07 October 2004      | : | DECISION |
| Priority Date Claimed: 08 October 2003 | : |          |
| Attorney Docket No.: 40006317-0087-002 | : |          |
| For: A MEASUREMENT SYSTEM AND A        | : |          |
| METHOD                                 | : |          |

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 20 June 2008.

**BACKGROUND**

On 07 October 2004, applicant filed international application PCT/US2004/033113, which claimed priority of an earlier United States application filed 08 October 2003. The thirty-month period for paying the basic national fee in the United States expired on 08 April 2006.

On 05 April 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 October 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 27 November 2007, the DO/EO/US mailed a Withdrawal of Previously Sent Notice (Form PCT/DO/EO/WITH), which indicated that the Notification of Missing Requirements mailed 12 October 2006 was withdrawn, and a corrected Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 June 2008, applicant filed the present petition under 37 CFR 1.137(b) along with an executed declaration.

### DISCUSSION

The corrected Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 27 November 2007 set a two month period for reply, which was extendable by five months under 37 CFR 1.136(a), i.e. until 27 June 2008. On 20 June 2008, applicant filed an executed declaration along with written authorization to charge any required fees to Deposit Account No. 19-3140. Accordingly, a proper response to the corrected Notification of Missing Requirements has been timely submitted.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is DISMISSED AS MOOT.

The \$1,540.00 petition fee will be refunded to Deposit Account No. 19-3140.

The \$2,230.00 fee for a five-month extension of time will be charged to Deposit Account No. 19-3140.

The application has an International Filing Date under 35 U.S.C. 363 of 07 October 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 June 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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